

**JUDGE SWEET**

MICHAEL J. GARCIA

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Southern District of New York

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**FILE COPY**

**07 CV 3379**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

MITRA MEHR LLC,

Plaintiff,

v.

FEDERAL HALL NATIONAL  
MONUMENT,

Defendant.

APR 27 2007

ECF

**NOTICE OF REMOVAL**

07 Civ. \_\_\_\_\_

from the Civil Court of the City of New  
York, Small Claims Part  
Index No. NSC 60525/07-2

Defendant Federal Hall National Monument, a unit of the National Park System, administered by the Department of Interior, National Park Service ("Defendant"), by its attorney, MICHAEL J. GARCIA, United States Attorney for the Southern District of New York, hereby removes the above-captioned action to the United States District Court for the Southern District of New York. The grounds for removal are as follows:

1. On or about March 30, 2007, Plaintiff Mitra Mehr LLC ("Plaintiff") filed a Notice of Claim and Summons to Appear in Civil Court of the City of New York, Small Claims Part, Index No. NSC 60525/07-2, against Federal Hall National Memorial. A true and correct copy of the Notice of Claim and Summons to Appear is attached hereto as Exhibit 1.

2. Plaintiff's Notice of Claim seeks judgment to recover monies arising out of the alleged non-payment for services rendered on or about September 5, 2006.

3. 28 U.S.C. § 1442(a)(1) provides in pertinent part that a civil action commenced in State court against the United States or any agency thereof “may be removed by them to the district court of the United States for the district and division embracing the place wherein it is pending.” *See* 28 U.S.C. § 1442(a)(1). Because Federal Hall National Monument is a unit of the National Park System, which is administered by the Department of Interior, National Park Service, an agency of the United States, this action should be heard by this Court pursuant to 28 U.S.C. § 1442(a)(1).

4. Removal pursuant to 28 U.S.C. § 1442(a)(1) is timely under 28 U.S.C. § 1446(b), as Section 1446(b) authorizes removal of a civil action or proceeding within thirty days of proper service of process in an action. Removal is timely as Plaintiff has not properly served the United States in this action.

5. The submission of this notice of removal is solely for the special purpose of removing this action to the appropriate federal court and is not a general appearance by the Defendant. This Office makes a limited appearance on behalf of the Defendant solely for the purpose of removal of this action. This submission does not constitute a waiver of any defense available to the Defendant, including any defense under Rule 12 of the Federal Rules of Civil Procedure.

Dated: New York, New York  
April 27, 2007

Respectfully submitted,

MICHAEL J. GARCIA  
United States Attorney for the  
Southern District of New York



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TO: Mitra Mehr LLC (Via Federal Express)  
358 Fifth Avenue Suite 306  
New York, New York 10001

**EXHIBIT 1**

## CIVIL COURT OF THE CITY OF NEW YORK

## SMALL CLAIMS PART

111 CENTRE STREET - RM. 322  
NEW YORK, NY 10013-4389

## 1. Article Addressed to:

*Conducting 1001 Centre Street, New York, NY 10013-4389*  
*1001 Centre Street, New York, NY 10013-4389*  
*1001 Centre Street, New York, NY 10013-4389*

## 2. Article Number

7180 8583 3220 0468 7857

## NOTICE TO DEFENDANT

## NOTICE OF CLAIM and SUMMONS TO APPEAR

This is the start of a lawsuit against you. It should not be ignored. Your default may have serious consequences. YOU MUST BRING THIS NOTICE WITH YOU EACH TIME YOU APPEAR IN COURT ON THIS CASE.

## SUMMONS TO APPEAR

This claim is scheduled for a Hearing to be held in the Courtroom:

111 Centre Street (Room 3553)  
 New York, New York 10012

On Thursday, May 3, 2007 at 6:10 PM

You, or someone authorized to represent you, must appear and present your defense at the Hearing. If you wish, you may retain the services of an attorney to represent you at your own expense. IF YOU FAIL TO APPEAR, JUDGMENT WILL BE ENTERED AGAINST YOU BY DEFAULT, EVEN THOUGH YOU MAY HAVE A VALID DEFENSE. Only the Judge presiding at the Hearing can grant an adjournment. The Clerk cannot grant any change in the scheduled date or time.

DATED March 30, 2007

CHIEF CLERK

JACK BAER

## CASE TYPE SMALL CLAIM

## CLAIMANT

## COMMERCIAL CLAIM

MITRA MEHR LLC

358 FIFTH AVE STE 308

NEW YORK CITY, NY 10001

## INDEX NUMBER

NSC 60525/07-1

5/3

## DEFENDANT

FEDERAL HALL NATIONAL MEMORIAL

26 WALL ST.

NEW YORK CITY, NY 10005

A Guide to Small Claims Court is available at the court listed above

ESTA INFORMACIÓN ESTÁ DISPONIBLE EN ESPAÑOL EN LA CORTE

## NOTICE OF CLAIM \$386,000

The Claimant asks Judgment in this court for together with interest and disbursements, on the following claim:

*action to recover monies owing on contract*  
*for payment for services rendered*  
*date of occurrence: 9/5/06*

### JUDGES AND ARBITRATORS

The Judge can only try a limited number of cases at each Court session. Most Trials are held before Arbitrators who are volunteer attorneys with at least five years of experience and thoroughly knowledgeable in the law.

The decision of a Judge is subject to appeal. No appeal of an Arbitrator's decision is permitted because there is no official court transcript of Hearings held before Arbitrators.

### INSTRUCTIONS FOR ANSWERING THE CALENDAR CALL

IF YOU ARE READY FOR TRIAL AND YOU ARE WILLING TO HAVE YOUR CASE HEARD BY AN ARBITRATOR. ANSWER: YOUR NAME, READY  
IF YOU WISH: TO REQUEST A POSTPONEMENT OR TO CHANGE THE AMOUNT, OR TO ADD A COUNTERCLAIM. ANSWER: YOUR NAME, APPLICATION  
IF YOU ARE READY FOR TRIAL BUT YOU ARE NOT WILLING TO HAVE YOUR CASE HEARD BY AN ARBITRATOR AND YOU ARE REQUESTING THAT THE CASE BE HEARD BY THE JUDGE. ANSWER: YOUR NAME, READY BY THE COURT  
IF YOU REQUEST YOUR CASE "BY THE COURT" IT IS QUITE POSSIBLE THAT YOU WILL HAVE TO RETURN FOR TRIAL ON ANOTHER DATE.

### RESULTS OF THIS ACTION

If a Judgment is recovered against you, the law gives the Claimant certain rights to collect the Judgment:

- If you do not pay the judgment, the Marshal or Sheriff may execute against your property. This means that the Marshal or Sheriff can seize certain of your property and sell it to satisfy the judgment. The Claimant can compel you to come into court and be examined under oath as to your property, bank account and other assets, and may obtain a restraining order tying up your bank account.
- If you work, the Marshal or Sheriff may take a portion of your salary and turn it over to the claimant until the judgment is paid.
- If the claim was based on your ownership or operation of a motor vehicle, your driver's license and/or vehicle registration may be suspended.
- If you are licensed by any City or State agency, a complaint may be filed against you for non-payment of the judgment, and your license may be revoked or suspended.

Whenever a judgment has been rendered against a person, partnership, firm or corporation in other than its true legal name and that judgment has remained unpaid for thirty-five days after the judgment debtor has received a copy of the judgment, the judgment creditor shall be entitled to commence an action for the sum of the original judgment plus costs, reasonable attorney fees, and one hundred dollars (\$100.00).

If you wish you may pick up a copy of the informational booklet, "A Guide to Small Claims" or "A Guide to Commercial Claims" at the Clerk's Office.

### **PROOF OF CLAIM**

If your defense is supported by a written contract or agreement, account books, receipts, itemized bills marked "Paid," cancelled checks, etc., you must produce them at the Hearing. If you rely on estimates for the future cost of repair, service or replacement, two different written itemized and signed estimates of the costs to be incurred are required. If possible, merchandise that is in dispute should be brought to court. Photographs may be an acceptable alternative in certain circumstances.

If you have a witness, he/she must be in court with you at the time and place indicated on this notice. You may have to pay an expert witness for his or her time. If a witness is unwilling to provide you with required evidence or to appear voluntarily, you may request the Clerk to issue a Subpoena for Records and/or a Subpoena to Testify, to compel someone to produce the records or to actually appear and testify. Subpoenas are issued by the Court without fee, but you will be required to pay a fee to the person on whom the Subpoena is served. Your request for subpoenas must be made to the Clerk before the scheduled date of the Hearing.

### **REQUEST FOR ADJOURNMENT (CHANGE OF TIME OR DATE OF HEARING)**

Proceedings are normally scheduled in the evening unless special circumstances warrant that the Clerk schedule the case for a daytime Hearing.

If the Hearing is scheduled for the evening and this time would cause an "unreasonable hardship" for you, you or your representative should appear at the scheduled time and request that the action be re-scheduled for a daytime Hearing.

Only a Judge can grant an adjournment. The Clerk cannot grant any change in the scheduled date or time.

### **RESULT OF NON-APPEARANCE (DEFAULT)**

If you, the Defendant, fail to appear for a trial an Inquest may be held. At the Inquest, the Claimant must prove his/her case to the satisfaction of the Arbitrator even though the Defendant is not present. Almost all Inquests will result in a Judgment in favor of the Claimant.

If the Claimant (the person who is suing) fails to appear, the case will generally be Dismissed.

### **DEFENDANTS WHO ARE CORPORATIONS OR VOLUNTARY ASSOCIATIONS**

Corporation defendants may appear by an attorney or by any authorized officer, director, or employee of the corporation. See CPLR § 321 and CCA § 1809 (2), and 1809 - A(d). Voluntary Associations must appear by attorney.

[Bring this sheet with you at the time you come to Court]

*ESTA INFORMACIÓN ESTÁ DISPONIBLE EN ESPAÑOL EN LA CORTE*